

Indiana State Law  
IN Stat. Ann. (Burns)  
Title 35, Article 47. Crimes - Regulation of Weapons and  
Instruments of Violence

Chapter 1. Definitions

**35-47-1-1. Applicability of definitions in chapter.** The definitions in this chapter apply throughout this article.

**35-47-1-3. Dealer.** - "Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.

**35-47-1-4. Drug abuser.** - "Drug abuser" means an individual who has had two (2) or more violations of IC 35-48-1, IC 35-48-2, IC 35-48-3 or IC 35-48-4, any one (1) of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

**35-47-1-5. Firearm.** - "Firearm" means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.

**35-47-1-6. Handgun.** - "Handgun" means any firearm:

- (1) Designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or
- (2) any firearm with:
  - (A) A barrel less than sixteen (16) inches in length; or
  - (B) An overall length of less than twenty-six (26) inches.

**35-47-1-7. Proper person.** - "Proper person" means a person who does not:

- (1) have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;
- (2) have a conviction for a crime for which he could have been sentenced for more than one (1) year;
- (3) have a record of being an alcohol or drug abuser as defined in this chapter;
- (4) have documented evidence which would give rise to a reasonable belief that he has a propensity for violent or emotionally unstable conduct;
- (5) make a false statement of material fact on his application;
- (6) have a conviction for any crime involving an inability to safely handle a handgun; or
- (7) have a conviction for violation of the provisions of this article within five (5) years of his application.
- (8) have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age.

**35-47-1-8. Proper reason.** - "Proper reason" means for the defense of oneself or the state of Indiana.

**35-47-1-9. Retail.** - **"Retail"** means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.

**35-47-1-10. Sawed-off shotgun.** - **"Sawed-off shotgun"** means:

- (1) A shotgun having one (1) or more barrels less than eighteen (18) inches in length; and
- (2) Any weapon made from a shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than twenty-six (26) inches.

**35-47-1-11. Shotgun.** - **"Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**35-47-1-12. Superintendent.** - **"Superintendent"** refers to the superintendent of the Indiana State Police Department.

**35-47-1-13. Wholesale.** - **"Wholesale"** means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmental law enforcement agency for issue to its employees.

## **Chapter 2. Handguns**

**35-47-2-6. Time for review of application.** Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed. If the application for renewal of an existing license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

**35-47-2-7. Prohibited sales or transfers.**

(a) Except an individual acting within a parent-minor child or guardian-minor protected person relationship or any other individual who is also acting in compliance with IC 35-47-10 a person may not sell, give, or in any other manner transfer the ownership or possession of a handgun or assault weapon [firearm](as defined in IC 35-50-2-11) to any person under eighteen (18) years of age.

(b) It is unlawful for a person to sell, give, or in any manner transfer the ownership or possession of a handgun to another person who the person has reasonable cause to believe:

(1) has been:

(A) Convicted of a felony; or

(B) Adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person seeking to obtain ownership or possession of the handgun is less than twenty-three (23) years of age;

(2) is a drug abuser,

(3) is an alcohol abuser, or

(4) is mentally incompetent.

**35-47-2-8. Persons to whom sale regulations apply - Waiting period - Violations.**

(a) The regulation of the sale of handguns imposed by this chapter shall apply equally to an occasional sale, trade, or transfer between individual persons and to retail transactions between dealers and individual persons.

(b) Except as otherwise provided, this section and sections 9 through 12 [35-47-2-9 through 35-47-2-12] of this chapter do not apply to sales at wholesale.

(c) No transferor shall deliver a handgun to a transferee until at least seven (7) working days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(d) The seven (7) day waiting period shall not apply to law enforcement officers. Any law enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself commits a Class B misdemeanor.

(e) The seven (7) day waiting period shall be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived", together with the date on which the handgun or handguns are released to the applicant.

(f) Any person using or seeking to use a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter commits a Class B misdemeanor.

**35-47-2-9. Application form for sale or transfer of handgun - Fingerprints.**

(a) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor containing the following information: Date and hour of the transfer, name, full address, occupation, sex, color of eyes, color of hair, race, complexion, age, place of birth, date of birth, nationality, height, weight, build, scars and marks, and the make, model, caliber designation, and manufacturer's serial number of the handgun or handguns transferred.

(b) The application, in triplicate, shall be deposited with the transferor who shall, within eight (8) hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one (1) copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one (1) copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one (1) copy for six (6) years. In addition, the superintendent may require that the application include a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute ground for the suspension or revocation of the dealer's license.

**35-47-2-11. Intent of chapter.**

(a) It is the intent of this chapter that:

(1) all sale forms shall be completed by the transferee in the presence of the transferor; and

(2) delivery of the handgun or handguns not take place until the seven (7) working day waiting period has elapsed or has been waived as indicated in section 8 [35-47-2-8] of this chapter.

(b) Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been:

(1) Convicted of:

(A) A violation of this chapter; or

(B) Any felony; or

(2) Adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license to carry a handgun is less than twenty-three (23) years of age; shall be grounds for nondelivery of a handgun, and in such case, delivery shall not occur without written approval of the superintendent.

**35-47-2-12. Unlawful delivery of handgun - Delivery of a handgun by the transferor or his agent to the transferee:**

(1) Prior to the expiration of the seven (7) working day waiting period, except when the waiting period has been waived; or

(2) Without the superintendent's written approval after receiving notice of grounds for nondelivery; is unlawful and constitutes grounds for the immediate suspension of the retail dealer's license.

**35-47-2-13. Record of lawful transfer - Forms as a proof of ownership.** No additional record of any lawful transfer of any firearm shall be made or maintained by any local or state official or agency. All forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six (6) months to the transferee indicated on the forms. The forms shall be retained by the transferee as proof of ownership of a firearm listed thereon.

**35-47-2-14. License requirements for retail dealer - Failure to display license.** A retail dealer who:

(1) sells;

(2) trades;

(3) transfers;

(4) exposes for sale, trade, or transfer; or

(5) possesses with intent to sell, trade or transfer; any handgun without being licensed under sections 15 and 16 [IC 35-47-2-15 and IC 35-47-2-16] of this chapter and without displaying his license at all times commits a Class B misdemeanor.

**35-47-2-15. Issuance of retail handgun dealer's license - Investigation and fingerprinting.**

(a) A person desiring a retail handgun dealer's license shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in Indiana, then to the sheriff of the county in which he has a regular place of business. The applicant shall state his name, full address, occupation, sex, race, age, place of birth,

date of birth, nationality, height, weight, build, color of eyes, color of hair, complexion, scars and marks, and any criminal record (minor traffic offenses excepted). The officer to whom the application is made shall verify the application and search his records concerning the applicant's character and reputation.

(b) The officer to whom the application is made shall send to the superintendent:

- (1) The verified application;
- (2) The results of the officer's investigation, and
- (3) The officer's recommendation for approval or disapproval of the application; in as many copies as the superintendent shall designate, and one (1) set of legible and classifiable fingerprints of the applicant. The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended by the officer to whom the application was made, he shall provide the superintendent and the applicant with his complete reasons for the disapproval in writing. If the officer to whom the application is made recommends approval, he shall instruct the applicant in the proper method of taking legible and classifiable fingerprints. If it appears to the superintendent that the applicant is of good character and reputation and a proper person to be licensed, he shall issue to the applicant a retail handgun dealer's license which shall be valid for a period of two (2) years from the date of issue \* \* \* In the event that the application is disapproved by the superintendent, the fee shall be returned to the applicant along with the complete reasons, in writing, for the disapproval.

(c) No retail dealer's license shall be issued to any person who has been:

- (1) Convicted of a felony; or
- (2) Adjudicated a delinquent child for an act that would be a felony if committed by an adult, if the person applying for the retail dealer's license is less than twenty-three (23) years of age; in Indiana or any other state or country.

(d) A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the conditions specified in this chapter. The license may be suspended or revoked in accordance with applicable law, and the licensee may be subject to punishment as provided in this chapter.

**35-47-2-16. License-designated business site - Display of license - Restrictions on sale of handgun. - Display, sale or transfer at gun shows.**

(a) A retail dealer's business shall be carried on only in the site designated in the license. A separate license shall be required for each separate retail outlet. Whenever a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This subsection does not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold:

- (1) In violation of any provisions of this chapter, or
- (2) Under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

(d) Notwithstanding subsection (a), a retail dealer may display, sell, or

transfer handguns at a gun show in accordance with this chapter and federal law.

**35-47-2-17. False information - Confiscation and disposal of handgun.** No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry a handgun, shall give false information or offer false evidence of identity. In addition to any penalty provided in this chapter, any handgun obtained through false information shall be subject to confiscation and disposition as provided in this chapter. \* \* \* . \* \* \* \*

**35-47-2-18. Alteration, removal or obliteration of identifying marks prohibited - Possession of such handguns prohibited.** No person shall:

(1) Change, alter, remove, or obliterate the name of the maker, model, manufacturer's serial number, or other mark of identification on any handgun; or

(2) Possess any handgun on which the name of the maker, model, manufacturer's serial number, or other mark of identification has been changed, altered, removed, or obliterated; except as provided by applicable United States statute.

**35-47-2-19. Firearms exempted.** This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

**35-47-2-20. Effect of full or conditional pardon.**

(a) A full pardon from the governor of Indiana for:

(1) a felony other than a felony that is included in IC 35-42; or

(2) a violation of this chapter;

removes any disability under this chapter imposed because of that offense, if fifteen (15) years have elapsed between the time of the offense and the application for a license under this chapter.

(b) A conditional pardon described in IC 11-9-2-4 for:

(1) a felony; or

(2) a violation of this chapter;

removes a disability under this chapter if the superintendent determines after an investigation that circumstances have changed since the pardoned conviction was entered to such an extent that the pardoned person is likely to handle handguns in compliance with the law.

**35-47-2-21. Foreign licenses.**

(a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except for sales at wholesale.

(b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

**35-47-2-22. Use of false or altered handgun license unlawful.** It is unlawful for any person to use, or to attempt to use, a false, counterfeit, spurious, or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter.

**35-47-2-24. Burden of proof - When prosecutions dismissed.**

(a) In an information or indictment brought for the enforcement of any provision of this chapter, it is not necessary to negate any exemption specified under this chapter, or to allege the absence of a license required under this chapter. The burden of proof is on the defendant to prove that he is exempt under section 2 [IC 35-47-2-2] of this chapter, or that he has a license as required under this chapter.

(b) Whenever a person who has been arrested or charged with a violation of section 1 [IC 35-47-2-1] of this chapter presents a valid license to the prosecuting attorney or establishes that he is exempt under section 2 of this chapter, any prosecution for a violation of section 1 of this chapter shall be dismissed immediately, and all records of an arrest or proceedings following arrest shall be destroyed immediately.

**Chapter 3. Disposal of Confiscated Weapons**

**35-47-3-1. Disposal of confiscated weapons.** All firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance with this chapter.

**35-47-3-2. Firearms not required to be registered - Return of firearms to rightful owner \* \* \***

(a) This section applies only to firearms which are not required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause if a return has not already occurred under the terms of IC 35-33-5. If the rightful ownership is not known the law enforcement agency holding the firearm shall make a reasonable attempt to ascertain the rightful ownership and cause the return of the firearm. However, nothing in this chapter shall be construed as requiring the return of firearms to rightful owners who have been convicted for the misuse of firearms.

\* \* \* \*

**35-47-3-3. Firearms required to be registered - Return of firearms to rightful owner \* \* \***

(a) This section applies to firearms that are required to be registered in the National Firearms Registration and Transfer Record.

(b) Firearms shall be returned to the rightful owner at once following final disposition of the cause, if such return has not already occurred under the terms of IC 35-33-5, and if such owner remains lawfully entitled to possess such firearms according to applicable United States and Indiana statutes. If rightful ownership is not known, the law enforcement agency holding the firearm shall make a reasonable and diligent effort to ascertain the rightful ownership and cause the return of the firearm being held, providing the owner remains lawfully entitled to possess such firearms.

**35-47-3-4. Unlawful disposal of confiscated firearms.** A person who knowingly or intentionally:

- (1) Delivers a confiscated firearm to a person convicted of a felony:
  - (A) Involving use of a firearm; and
  - (B) Which is the basis of the confiscation;

- (2) Delivers a confiscated firearm to another with knowledge that there is a rightful owner to whom the firearm must be returned; or
- (3) Fails to deliver a confiscated firearm to the sheriff's department, a city or town police force, the state police department laboratory or a forensic laboratory under this chapter, the state under IC 14-2-9-2, for disposition after a determination that the rightful owner of the firearm cannot be ascertained or is no longer entitled to possess the confiscated firearm; commits a Class D felony.

#### **Chapter 4. Miscellaneous Provisions**

**35-47-4-1. Sale or delivery of deadly weapon to intoxicated person unlawful.** A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him to be a person who is in the habit of becoming intoxicated, commits a Class B misdemeanor.

**35-47-4-2. Making loan secured by mortgage, deposit or pledge of handgun unlawful.** A person who makes a loan secured by a:

- (1) Mortgage;
- (2) Deposit; or
- (3) Pledge; of a handgun commits a Class B misdemeanor.

**35-47-4-4. Possession of certain firearms - Places not applicable.**

(a) This section does not apply to a person who owns, carries, or possesses a firearm:

- (1) In the person's dwelling;
- (2) On the person's property; or
- (3) In the person's fixed place of business.

(b) A person who:

- (1) Has been convicted of a felony; and
- (2) Owns, carries, or possesses a firearm not designed to use fixed cartridges or fixed ammunition, or a firearm made before January 1, 1899; commits a Class D felony.

#### **Chapter 5. Prohibited Weapons and Other Instruments of Violence**

**35-47-5-1. Sale or possession of explosive or inflammable substances.** A person who:

- (1) Sells;
- (2) Manufactures;
- (3) Purchases; or
- (4) Possesses;

a bomb, bombshell, grenade, bottle, or other container containing an explosive or inflammable substance, with knowledge that the item is to be used for an unlawful purpose, commits a Class C felony.

**35-47-5-4.1. Dealing in sawed-off shotguns prohibited - Exception.**

(a) A person who:

- (1) Manufactures;
- (2) Causes to be manufactured;
- (3) Imports into Indiana;
- (4) Keeps for sale;
- (5) Offers or exposes for sale; or
- (6) Gives, lends or possesses; any sawed-off shotgun commits dealing in a sawed-off shotgun, a Class D felony.

(b) The presence of a weapon referred to in subsection (a) in a motor vehicle, (as defined under IC 9-13-2-105(a)) except for school buses and a vehicle operated in the transportation of passengers by a common carrier, (as defined in IC 8-2.1-17-4), creates an inference that such weapon is in the possession of the persons occupying the motor vehicle. However, the inference does not apply to all the persons occupying the motor vehicle if the weapon is found upon, or under the control of, one (1) of the occupants. In addition, the inference does not apply to a duly licensed driver of a motor vehicle for hire who finds the weapon in the licensed driver's motor vehicle in the proper pursuit of the licensed driver's trade.

(c) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells a sawed-off shotgun to a law enforcement agency.

**35-47-5-5. Firearms exempted.** This chapter does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made before January 1, 1899.

**35-47-5-8. Ownership or possession of machinegun or bomb prohibited.** A person who owns or possesses:

- (1) a machinegun; or
  - (2) a bomb loaded with either explosives or dangerous gases;
- commits a Class C felony.

**35-47-5-9. Operation of loaded machinegun or hurling of bomb prohibited.** A person who:

- (1) operates a loaded machinegun; or
  - (2) hurls or drops a bomb loaded with either explosives or dangerous gases;
- commits a Class B felony.

**35-47-5-10. Exemptions from bomb and machinegun prohibition.** The provisions of sections 8 or 9 [IC 35-47-5-8 OR ic 35-47-5-9] of this chapter shall not be construed to apply to any of the following:

- (1) Members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing.
- (2) Machineguns or bombs kept for display as relics and which are rendered harmless and not usable.
- (3) Any of the law enforcement officers of this state or the United States while acting in the furtherance of their duties.
- (4) Persons lawfully engaged in the display, testing, or use of fireworks.
- (5) Agencies of state government.
- (6) Persons permitted by law to engage in the business of manufacturing, assembling, conducting research on, or testing machineguns, bombs, airplanes, tanks, armored vehicles, or ordnance equipment or supplies while acting

within the scope of such business.

(7) Persons possessing, or having applied to possess, machineguns under applicable United States statutes. Such machineguns must be transferred as provided in this article.

**35-47-5-11. Use of armor-piercing handgun ammunition prohibited - Exception.**

(a) As used in this section, "armor-piercing handgun ammunition" means a cartridge that:

(1) can be fired in a handgun; and

(2) will, upon firing, expel a projectile that has a metal core and an outer coating of plastic.

(b) A person who knowingly or intentionally:

(1) Manufactures;

(2) Possesses;

(3) Transfers possession of; or

(4) Offers to transfer possession of;

armor-piercing handgun ammunition commits a Class C felony.

(c) This section does not apply to nylon coated ammunition, plastic shot capsules, or ammunition designed to be used in rifles or shotguns.

(d) This section does not apply to a law enforcement officer who is acting in the course of the officer's official duties or to a person who manufactures or imports for sale or sells armor-piercing handgun ammunition to a law enforcement agency.

**Chapter 8. Electronic Stun Weapons,  
Tasers, and Stun Guns**

**35-47-8-1. "Electronic stun weapon" defined.** As used in this chapter, "electronic stun weapon" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency of a five (5) milliamp sixty (60) hertz shock; and

(2) Used for the purpose of temporarily incapacitating a person.

**35-47-8-2. "Stun gun" defined.** As used in this chapter, "stun gun" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge that equals or does not exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and

(2) Used for the purpose of temporarily incapacitating a person.

**35-47-8-3. "Taser" defined.** As used in this chapter, "taser" means any mechanism that is:

(1) Designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile; and

(2) Used for the purpose of temporarily incapacitating a person.

**35-47-8-4. Applicability of IC 35-47-2.** IC 35-47-2 applies to an electronic stun weapon or taser.

**35-47-8-5. Purchase, possession, sale or use of stun gun.**

(a) A person eighteen (18) years of age or over may purchase or possess a

stun gun.

**(b)** A person who sells or furnishes a stun gun to a person who is less than eighteen (18) years of age commits a Class B misdemeanor.

**(c)** A person who uses a stun gun in the commission of a crime commits a Class A misdemeanor.

**(d)** A person who uses a stun gun on a law enforcement officer while the officer is performing the officer's duties commits a Class D felony.

## **Chapter 11. Local Regulation of Firearms**

### **35-47-11-1. Applicability.**

**(a)** Section 2 [IC 35-47-11-2] of this chapter applies to all units (as defined in IC 36-1-2-23). All other sections of this chapter apply to all units other than townships.

**(b)** This chapter applies only if a statute expressly grants a legislative body the authority to adopt an emergency ordinance under this chapter.

**(c)** This chapter does not affect the validity of an ordinance adopted before, and in effect on, January 1, 1994. [P.L. 140-1994, § 13.]

**35-47-11-2. Regulation of ownership, sale, transfer, etc. of firearms or ammunition.** Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

**(1)** This chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-14).

**(2)** Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearm within two hundred (200) feet of a school before April 1, 1994.

**(3)** Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other than a township may take other action allowed under section 6 [IC 35-47-11-6] of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the regulatory action takes effect. [P.L. 140-1994, § 13.]

**35-47-11-3. Emergency ordinance - Adoption for disaster.** The legislative body of a unit may adopt an emergency ordinance under this chapter if:

**(1)** A disaster (as defined in IC 10-4-1-3) has occurred or is likely to occur in the unit; and

**(2)** A local disaster emergency has been declared in the unit under IC 10-4-1-23. [P.L. 140-1994, § 13.]

**35-47-11-4. Emergency ordinance - Adoption procedure.** Notwithstanding any other law, if the conditions described under section 3 [IC 35-47-11-3] of this chapter are present within a unit, the legislative body of the unit may adopt an emergency ordinance under this chapter:

**(1)** without complying with the public notice and public meeting provision of:

**(A)** IC 5-14-1.5; or

**(B)** Any other statute;

(2) On the same day that the ordinance is presented to the legislative body;  
and

(3) Buy a majority vote of the members of the legislative body. [P.L. 140-1994, § 13.]

**35-47-11-5. Time of taking effect - Expiration.** An emergency ordinance adopted under section 4 [IC 35-47-11-4] of this chapter:

(1) Takes effect on the date and at the time of the adoption of the ordinance; and

(2) Expires the earlier of:

(A) Seventy-two (72) hours after the time of the adoption of the ordinance;  
or

(B) A time specified in the emergency ordinance. [P.L. 140-1994, § 13.]

**35-47-11-6. Restriction on firearms for 72 hours.** If:

(1) The conditions described under section 3 [IC 35-47-11-3] of this chapter are present within a unit;

(2) An unsuccessful attempt is made to convene the legislative body for the purpose of adopting an emergency ordinance under this chapter; and

(3) In the case of a municipality, an unsuccessful attempt is made to convene the works board to act under this chapter as if the works board were the legislative body; the executive of a municipality or the presiding officer of a county executive may declare a restriction on the sale of firearm anywhere within the unit for a period of not more than seventy-two (72) hours after the restriction is declared. A declaration under this section has the same effect as an ordinance adopted under section 4 [IC 35-47-11-4] of this chapter and becomes effective and expires as provided in section 5 [IC 35-47-11-5] of this chapter. [P.L. 140-1994, § 13.]

#### **Publisher's Notes:**

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (\*) next to a name indicates another listing]

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2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)], or (g) any semi-automatic shotgun with a magazine capacity of more than nine (9) rounds. [An asterisk (\*) next to a name indicates another listing]

South Bend (a)

3. The following jurisdiction bans the use or possession of semi-automatic or automatic assault rifles such as the Chinese-made AK-47 and the Israeli Uzi submachinegun. The provisions of this ordinance shall not be construed to

apply to the members of the Military or Naval Forces of the United States, National Guard of Indiana or Indiana State Guard when on duty or practicing. Also any Law Enforcement officers of this State or the United States while acting in the furtherance of their duties.

East Chicago

4. The following jurisdiction bans the sale and possession of assault weapons such as: (1) any automatic action, centerfire rifle or carbine which accepts a detachable magazine with a capacity of twenty (20) rounds or more, including but not limited to the following firearms or their copies: AR15 semi-automatic assault rifles, Uzi semi-automatic assault rifles or carbines, Ingram MAC-10 semi-automatic assault carbines, Ingram MAC 11 semi-automatic assault carbines, Heckler and Koch 93 semi-automatic assault rifles, AK-47 semi-automatic assault rifles, AKM-47 semi-automatic assault rifles, M-14 semi-automatic assault rifles, Thompson semi-automatic carbines and any other semi-automatic carbines manufactured Auto Ordinance; (2) any shotgun with a barrel of less than eighteen (18) inches and folding stock or magazine capacity of more than six (6) rounds; (3) any weapon which may be readily restored to an operable assault weapon, as described in 1 and 2, and; (4) any part, or combination of parts, designed or intended to convert a weapon into an assault weapons, as defined above in 1 and 2, or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person. \* \* \* \* Nothing in this section shall prohibit the acquisition, possession, or disposition by police department, sheriff's offices, Marshall's offices, Indiana State police, other local, state and federal law enforcement agencies, or the military and naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in this section prohibit the possession of assault weapons or magazine therefor by regular, salaried, full-time officers, employees or agents thereof when in duty and the use of assault weapons is within the scope of their duties.

Gary